

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEAN MOBILIA,

Plaintiff,

v.

SIGNAL PEAK VENTURES, LLC,

Defendant.

No. 2:13-cv-00936 MJP

DEFENDANT'S ANSWER TO
PLAINTIFF'S SECOND AMENDED
COMPLAINT

Defendant Signal Peak Ventures, LLC ("Defendant" or "Signal Peak") answer Plaintiff Jean Mobilia's Second Amended Complaint as follows:

I. PARTIES

1.1 Plaintiff, JEAN MOBILIA, is resident of Bellevue, King County, Washington.

ANSWER: Answering Paragraph 1.1, upon information and belief, Defendant admits the same.

1.2 Defendant Signal Peak Ventures, LLC, ("SIGNAL PEAK" hereinafter) is a Delaware corporation. SIGNAL PEAK was a joint employer of Plaintiff.

ANSWER: Answering Paragraph 1.2, Defendant admits it is a Delaware corporation.

The remaining allegations are legal conclusions to which no response is required. To the extent a response is required, Defendant denies the allegations.

DEFENDANTS' ANSWER TO PLAINTIFF'S
SECOND AMENDED COMPLAINT

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II. JURISDICTION AND VENUE

2.1 This Complaint arises out of actions that occurred in part of King County, Washington. Jurisdiction and venue are properly located in the above entitled court.

ANSWER: Paragraph 2.1 states a legal conclusion to which no response is required. To the extent a response is required, Defendant admits the United States District Court Western District of Washington at Seattle is the proper venue for this action.

III. FACTS

3.1 Plaintiff, Jean Mobilia, is a female citizen of the United States.

ANSWER: Answering Paragraph 3.1, upon information and belief, Defendant admits the same.

3.2 Plaintiff was hired by Numira Biosciences, Inc. ("NUMIRA" hereinafter) in March, 2012. Plaintiff was employed by NUMIRA until on or about January 17, 2013.

ANSWER: Answering Paragraph 3.2, Defendant lacks sufficient information to admit or deny the information regarding Plaintiff's hire date, and therefore denies the same. Defendant admits that Numira terminated Plaintiff's employment in January 2013.

3.3 Plaintiff was hired to the position of Senior Director, New Business Opportunities and External Communications. Plaintiff was hired by NUMIRA, in large part, due to the vast network of contacts that she had built over the years in the biotechnology and life sciences arena as an independent executive recruiter.

ANSWER: Answering Paragraph 3.3, Defendant lacks sufficient information to admit or deny the allegations, and therefore denies the same.

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1 3.4 Within the first weeks of her employment, Plaintiff secured approximately
2 \$200,000 in angel financing for NUMIRA, demonstrating the value that her network of
3 contacts was bringing to the company.

4 ANSWER: Answering Paragraph 3.4, Defendant denies the allegations.
5

6 3.5 Plaintiff also provided NUMIRA with the database of her industry contacts that
7 Plaintiff had built over more than 20 years. This database alone imparted NUMIRA with an
8 extremely valuable resource.

9 ANSWER: Answering Paragraph 3.5, Defendant denies the allegations.
10

11 3.6 From April to October 2012, Plaintiff was paid through wire transfers to her
12 bank account. NUMIRA withheld no taxes, although Plaintiff was told that taxes were being
13 withheld. It was not until October 2012 that NUMIRA placed Plaintiff on its regular payroll
14 system and began to withhold taxes.

15 ANSWER: Answering Paragraph 3.6, Defendant admits that Plaintiff was paid by
16 Numira through wire transfers to her bank with no taxes withheld for a period of time.
17 Defendant lacks sufficient information to admit or deny the remaining information contained in
18 Paragraph 3.6, and therefore denies the same.
19

20 3.7 Without warning, on January 17, 2013, Plaintiff was notified that Plaintiff's
21 employment was being terminated effective immediately.

22 ANSWER: Answering Paragraph 3.7, Defendant admits Plaintiff's employment with
23 Numira was terminated in January 2013. Defendant denies all different and remaining
24 allegations.
25
26

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1 3.8 A substantial factor in NUMIRA's and Defendant SIGNAL PEAK's decision to
2 terminate Plaintiff's employment was discrimination against Plaintiff on the basis of her sex,
3 female.

4 ANSWER: Answering Paragraph 3.8, Defendant denies that it had any role in the
5 decision to terminate Plaintiff's employment and denies each and every remaining allegation.

6
7 3.9 Defendant SIGNAL PEAK was acting in the interest of NUMIRA when it
8 ratified the discriminatory termination of Plaintiffs employment.

9 ANSWER: Answering Paragraph 3.9, Defendant denies all allegations.

10
11 3.10 Defendant SIGNAL PEAK and NUMIRA were joint employers of Plaintiff.

12 ANSWER: Answering Paragraph 3.10, the allegations are legal conclusions to which no
13 response is required. To the extent a response is required, Defendant denies all allegations.

14
15 3.11 NUMIRA failed to report Plaintiff's hours of employment and earnings to the
16 Washington Employment Security Department for the period of time from April to October
17 2012, thus causing substantial delay in the processing of Plaintiff's application for
18 unemployment compensation benefits and thereby causing Plaintiff additional significant
19 financial hardship.

20 ANSWER: Answering Paragraph 3.11, Defendant lacks sufficient information to admit
21 or deny the allegations, and therefore denies the same.

22
23 3.12 Defendant SIGNAL PEAK aided and abetted NUMIRA in unlawfully
24 terminating Plaintiffs employment with NUMIRA.

25 ANSWER: Answering Paragraph 3.12, Defendant denies all allegations.

26
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1 3.13 Plaintiff has been injured and suffered damages as a proximate result of
2 Defendant SIGNAL PEAK's actions.

3 ANSWER: Answering Paragraph 3.13, Defendant denies all allegations.
4

5 **IV. WAIVER OF PHYSICIAN/PATIENT PRIVILEGE**

6 4.1 To the extent required by law, Plaintiff waives the physician/patient privilege.

7 ANSWER: Paragraph 4.1 requires no answer.
8

9 **V. CAUSES OF ACTION**

10 5.1 Sex Discrimination.

11 Defendant SIGNAL PEAK's actions constitute discrimination against Plaintiff on the
12 basis of Plaintiffs sex, in violation of RCW 49.60.

13 ANSWER: Answering Paragraph 5.1, Defendant denies each and every allegation.
14

15 5.2 Aiding and Abetting.

16 Defendant SIGNAL PEAK unlawfully aided and abetted the discriminatory termination
17 of Plaintiffs employment, in violation of RCW 49.60.220.

18 ANSWER: Answering Paragraph 5.1, Defendant denies each and every allegation.
19

20 **VI. PRAYER FOR RELIEF**

21 ANSWER: Plaintiff's Prayer for Relief requires no Answer. However, Defendant
22 denies that Plaintiff is entitled to any of the relief sought.

23 **VII. AFFIRMATIVE DEFENSES**

24 Defendant asserts the following affirmative defenses:

- 25 1. Plaintiff fails to state claims upon which relief can be granted.
26 2. Plaintiff's causes of action are barred, in whole or in part, because Defendant

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1 acted reasonably and in good faith at all times based on all relevant facts and circumstances
2 known by this Defendant at the time it acted.

3 3. Plaintiff failed to mitigate her damages, said damages being expressly denied.

4 4. Plaintiff's injuries and damages, if any, were proximately caused by the
5 negligence of the Plaintiff.

6 5. This Court lacks personal jurisdiction over Defendant Signal Peak Ventures,
7 LLC.

8 6. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.

9 7. Any actions taken by Defendant with respect to Plaintiff were undertaken for
10 legitimate business reasons and no unlawful (discriminatory) factors motivated Defendant's
11 actions towards Plaintiff.

12 8. Because it does not have eight or more employees, Defendant Signal Peak
13 Ventures, LLC does not meet the statutory definition under RCW 49.60.040(11), and therefore
14 is exempt from the remedies of RCW 49.60. *See* WAC 162-16-220; *Griffin v. Eller*, 922 P.2d
15 788 (1996).

16 Defendant reserves the right to supplement and/or add additional defenses should they
17 become apparent during discovery or trial.

18 **DEFENDANT'S PRAYER FOR RELIEF**

19 Having fully answered Plaintiff's Second Amended Complaint, Defendant prays as
20 follows:

- 21 1. That Plaintiff's Second Amended Complaint be dismissed with prejudice;
22 2. That Defendant be awarded its costs and reasonable attorneys' fees; and
23 3. For such other and further relief as the Court deems just and equitable.

24 ///

25 ///

26 ///

27 **DEFENDANTS' ANSWER TO PLAINTIFF'S
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1 DATED this 14th day of August, 2015.

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3 Attorneys for Defendant Signal Peak Ventures,
4 LLC

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below attorney of record for plaintiff.

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DATED this 14th day of August, 2015.


Victoria White

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